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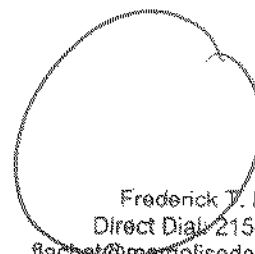
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October 19, 2009

Via Fax Only (267-299-5069)

The Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pennsylvania
6613 U.S. Courthouse
601 Market Street
Philadelphia, PA

FILED

OCT 20 2009

MICHAEL J. RUNZ, Clerk
Dep. Clerk

RE: Maximino Estrada, Administrator v. Home Depot U.S.A., Inc.,
et al.
Civil Action No. 08-CV-4367

Dear Judge Diamond:

Per instructions from your chambers, please be advised that MTA Distributors, Inc. does not oppose the Petition to Intervene filed on behalf of Harleysville Insurance Company.

I have received Mr. Dubrow's letter on behalf of Home Depot, and I agree with his statements that we are endeavoring to draft a mutually agreed-upon second tier of jury verdict interrogatories to address the cross-claims among the defendants, which we believe will be of assistance to the Court and counsel in understanding the jury verdict in the event that there are findings against the defendants.

Respectfully yours,

FREDERICK T. LACHAT, JR.

FTL/mr

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